

## **CONFIDENTIALITY AGREEMENT FOR OBSERVERS OF THE SULLIVAN CREEK PROJECT NEGOTIATION PROCESS**

### **OBSERVER INSTRUCTIONS AND PROCEDURES:**

The Sullivan Creek Project Negotiation meetings are part of a collaborative negotiation. In order to promote open, frank and constructive discussions, members of the Negotiation Team must be able to feel free to discuss ideas, options, and issues. For these reasons Negotiation Team members have signed an Operating Agreement to protect the confidentiality of the negotiation process and this Observer Confidentiality Agreement was developed to allow the process to be observed by interested members of the public.

Observers are free to attend Negotiation Team meeting; however, they must follow the following procedures if they wish to attend.

#### **In advance of attendance:**

1. Please contact the Team's coordinator, Gail Brooks, if would like to attend a Team meeting. Let her know the date of the meeting you wish to attend and any questions you have or information you need. Gail can be reached at (520)-901-8532 or at [brooks@ecr.gov](mailto:brooks@ecr.gov)
2. The Negotiation Team will then convene either electronically or by telephone to discuss and approve your attendance.
3. Upon receiving Team approval, you may attend the meeting. You will be asked to sign this Observer Confidentiality Agreement at the start of the meeting.

### **PURPOSE OF THE AGREEMENT**

- To involve the public in the settlement and surrender negotiation process and maintain an environment that promotes open, frank and constructive discussion.
- To develop an effective structure that protects the integrity of the process.

Observers are free to attend Negotiation Team meetings if they:

4. Provide notice to the Team's coordinator, Gail Brooks, that they would like to attend a Team meeting,
5. Receive prior approval from the Team to attend, and
6. Sign this Observer Confidentiality Agreement.

An observer comment period (limited to 5 minutes/person) will be provided at the beginning of Team meetings where observers are present to allow for observer questions, comments, and discussion.

## **ACTING IN GOOD FAITH**

All observers agree to act in good faith in all aspects of attendance at Negotiation Team meetings; to observe the negotiation process in a thoughtful, polite manner; to refrain from interrupting the process or asking questions except during the question/answer period; to refrain from taking actions outside the negotiating process that might undermine team recommendations and reports; and to maintain confidentiality as established in this document.

Observers are requested to turn off or put in non-ring mode cell phones, blackberries and pagers during meetings.

## **INFORMATION DISCLOSURE PROVISIONS**

To the extent allowed by current law, observers shall agree to the following information disclosure provisions:

- All discussions, negotiations, proposals and work products of the team shall be considered to be confidential.
- Disclosure in any form of the discussions, presentations, deliberations, or workings of the negotiation team is prohibited.
- Any settlement proposals, comments about and discussion of the proposals and documents related to and/or developed for the proposals, are an effort to reach compromise and agreement of contested issues and therefore shall not be admissible in evidence in any forum against any Negotiation Team member in the settlement discussions.

## **ATTEST**

By signing this Confidentiality Agreement I agree to adhere to the provisions of the Confidentiality Agreement For Observers of the Sullivan Creek Project Negotiation Process, including, not divulging any information pertaining to the Sullivan Creek Project surrender of license negotiations obtained through my attendance, as an observer, at the negotiation team meeting(s) to anyone not a member of the Negotiation Team.

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Observer

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Date:

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Observer Printed Name